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Committee on the Exercise of the Inalienable Rights of the Palestinian People

Summary record of the 296th meeting
Held at Headquarters, New York, on Wednesday, 4 October 2006, at 10.30 a.m.

Chairman: Mr. Badji ..... (Senegal)

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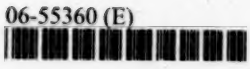

The meeting was called to order at 10.45 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Report by the Chairman on developments since the previous meeting

2. **The Chairman** said that on 20 September 2006, the Quartet principals had met in New York. On that occasion, the Quartet had taken stock of developments in the region; welcomed the efforts of the President of the Palestinian Authority, Mr. Mahmoud Abbas, to form a government of national unity; encouraged greater donor support to meet the needs of the Palestinian people; endorsed the continuation and expansion of the Temporary International Mechanism for a three-month period, after which it would be reviewed; welcomed the Secretary-General's initiative to ask Mr. James D. Wolfensohn to report on the situation on the ground; and agreed to meet regularly over the forthcoming period.

3. On 21 September 2006, the Security Council had convened at the ministerial level at the request of the League of Arab States. Twenty speakers had taken the floor, including the Secretary-General and President Abbas. Most of the speakers had emphasized the desperate need to break the stalemate in the peace process and reactivate efforts to reach a solution to the Israeli-Palestinian conflict.

4. Lastly, as part of the annual training programme for staff of the Palestinian Authority, two Palestinian professionals would be working with the Division for Palestinian Rights for the duration of the sixty-first session of the General Assembly. The programme was now in its eleventh year. He hoped that it would continue to be beneficial for young Palestinian professionals and allow them to better understand the goals and activities of the Organization and the workings of the Secretariat and other organs.

Developments in the situation in the Occupied Palestinian Territory, including East Jerusalem

5. **Mr. Mansour** (Observer for Palestine) said that the Occupied Palestinian Territory, including East Jerusalem, had experienced some unfortunate events in the past few days. It was important to try to understand the reasons behind those events. Tens of thousands of Palestinian Authority officials had not been paid; the blockade of the Gaza Strip continued, despite the November 2005 Agreement on Movement and Access; the Palestinian Authority continued to be denied economic aid; and Israel continued to withhold illegally tax revenue worth between US$ 50 million and US$ 60 million a month, which it collected on behalf of the Palestinian Authority under the 1994 Protocol on Economic Relations between the Government of the State of Israel and the Palestine Liberation Organization (PLO), representing the Palestinian People. It was only to be expected that — together with military checkpoints, the continuous aggression against Gaza, the denial of rights, collective punishments and the lack of political progress — such action would cause tremendous frustration and depression among the Palestinian people and their political forces. He believed, however, that the Palestinian people would not gravitate towards civil war; in time, the Palestinian people and their political forces would resolve their difficulties, move forward and not allow the situation to deteriorate further.

6. He expressed appreciation to the Arab countries, the non-aligned countries, the Organization of the Islamic Conference and others for their support, which would help the Palestinian people rise above current difficulties and build a government of national unity, the essence of which had been set out by President Abbas before the General Assembly. Issues relating to international legitimacy and the Arab Peace Initiative would have to be addressed, as well as the need to end the occupation of all the areas occupied by Israel in 1967, including East Jerusalem, find a just solution for the Palestine refugees, in line with General Assembly resolution 194 (III), and form an independent Palestinian State with East Jerusalem as its capital. Palestine was eager to accomplish those objectives as soon as possible, so that a two-State solution could become a reality.

7. The unilateral action taken by Israel had proved disastrous. The faulty logic of Israel's unilateral approach was transparent in its purported disengagement from Gaza in August 2005. Israel's assertion that the withdrawal of settlers and occupying forces from Gaza had ended its occupation was erroneous, both in law and in fact; Israel continued to retain control of Gaza's airspace, sea space and external borders and all crossings remained closed. The closure of Karni crossing for goods for substantial

periods had been particularly damaging, as it had blocked access to foodstuffs, medicines and fuel.

8. Gaza had become a sealed-off area in which its inhabitants were imprisoned. Sonic booms continued unabated, as did regular shelling of homes and fields along the border and extrajudicial executions of Palestinians. The suffering of Gaza's inhabitants had been exacerbated by the economic and physical siege from the air, sea and land and by the daily bombardments by missiles, artillery and naval fire.

9. On 25 June 2006, Israel had asserted its control of Gaza through heavy shelling and a military presence. Since then, Israeli occupying forces had destroyed six transformers at Gaza's only domestic power plant, as well as the main water pipelines and sewage networks. It had also deliberately targeted, and all but destroyed, a number of key public buildings. Moreover, over 300 Palestinians had been killed and over 1,000 seriously wounded. Owing to the numerous incursions into the Gaza Strip, many families had been forced to flee their homes; it was estimated that the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was currently sheltering some 3,400 Palestinians. Israel had also resorted to a new method of psychological terror. Palestinians in Gaza frequently received telephone calls from Israeli military intelligence warning them that their homes would be blown up within the hour. Regardless of whether the threat was carried out or not, the tactic was causing psychological distress and panic among Palestinians.

10. All those actions, together with the financial crisis imposed on the Palestinian Authority following the January 2006 elections, had resulted in a grave humanitarian crisis in the Occupied Palestinian Territory. The poverty level now stood at 75 per cent in Gaza. Israel's practice of withholding tax revenue that it collected on behalf of the Palestinian Authority was adding to the difficulties and must be reversed immediately.

11. The assertion often heard in the Security Council that, by withdrawing from Gaza, Israel had given the Palestinians the option of converting Gaza into a paradise but the Palestinians had opted to convert it into a haven for terrorism was a lie and a fabrication by Israel. Israel had not withdrawn from Gaza. Israel, not the Palestinians, had turned Gaza into a huge prison, through its unilateral action. If Israel allowed access and crossings to take place and gave the Palestinians total control of Gaza, the Palestinians would demonstrate their resilience.

12. The situation in the West Bank was not all that different. The Palestinians were locked behind huge walls, with a network of roadblocks, checkpoints and an arbitrary permit system, separated by roads open to Jews only and illegal settlements. They, too, suffered from home demolitions, extrajudicial executions, arrest and imprisonment, and other violations of their civil and political rights. Israel's actions must be assessed in terms of international humanitarian law and human rights law. According to the International Court of Justice (ICJ), both regimes were applicable to the Occupied Palestinian Territory.

13. Palestine would continue to call for the immediate implementation of the Sharm el-Sheikh understandings, including the withdrawal of Israeli forces to pre-September 2000 positions; the withdrawal of the occupying forces from Gaza to pre-June 27 positions; the implementation of commitments under the road map; and an immediate resumption of dialogue and negotiations on final status issues. President Abbas, both before and after the elections, had stood ready to resume negotiations with Israel without any preconditions. As Chairman of the PLO Executive Committee, he had the authority and mandate to conduct negotiations with Israel with a view to reaching a comprehensive peace solution based on international law and legitimacy, including the relevant Security Council resolutions.

14. During the sixty-first session of the General Assembly, Palestine would be focusing on a number of priorities, including the package of resolutions on the question of Palestine adopted annually by the General Assembly, which reflected the long-standing position of the international community on the question of Palestine, based on international law, and the permanent responsibility of the United Nations towards the question of Palestine until it was solved in all its aspects. Palestine would continue to assert the important role of the United Nations and the need for Israel to respect and implement United Nations resolutions. It would also continue to highlight the occupation, the occupying Power's grave violations of the rights of Palestinians and the need to bring those violations to an end; and the failure of Israel's unilateral disengagement from Gaza. It would stress that only direct negotiations would succeed, headed by

President Abbas as PLO Chairman. It would also raise issues such as Israeli compensation for damage to Gaza's infrastructure, persons internally displaced by the wall and by actions against Gaza, and the arrest of democratically elected Palestinian officials.

15. Palestine would continue to work to reaffirm the fundamental principles and positions contained in the package of resolutions and to increase support for the resolutions, particularly the resolutions on the mandates of the Committee and of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. In that regard, he encouraged Member States that did not belong to the Committee, especially European Union countries, to consider becoming members. Palestine would also emphasize the expanded role that the Security Council should take following its ministerial meeting on 21 September 2006.

16. In view of Israel's continued intransigence and ongoing violations of its obligations under the road map, the relevant United Nations resolutions and the ICJ advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Palestine would continue to leave open the option of implementing the Arab Ministers' decision to call for a resumption of the tenth emergency special session of the General Assembly with a view to adopting measures against companies, entities and individuals involved in the construction of the Wall and illegal Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem.

17. In light of Israel's continuing aggression against Gaza, Palestine would continue to consider calling for the reconvening of the meeting of the High Contracting Parties to the Fourth Geneva Convention, based on the existing international consensus regarding the Convention's de jure applicability to the Occupied Palestinian Territory, including East Jerusalem. It would appeal to all the High Contracting Parties to fulfil their obligations under article 1 and call on Switzerland, as depositary, to continue to consult on the possibility of holding such a meeting.

18. The Security Council should not only remain seized of the situation in the Occupied Palestinian Territory, including East Jerusalem, but should also expand its role. Palestine would continue to appeal to the Council to uphold its responsibilities by taking the necessary measures to bring an end to the grave violations of international law, including international humanitarian law, that continued to be committed by Israel. The Council had the authority to act, and a duty to address crises and issues that posed a threat to international peace and security and to exert all efforts in that regard for the protection of civilians in armed conflict. Palestine would continue to support the Arab Foreign Ministers' initiative with a view to moving towards the implementation of the relevant Security Council resolutions for the achievement of a final, just and comprehensive settlement.

19. Lastly, Palestine reaffirmed its commitment to a two-State solution based on the relevant Security Council resolutions, the terms of reference of the peace process, including the principle of land for peace, the Arab Peace Initiative and the Quartet's road map. Following its high-level meeting, the Security Council should now take concrete action towards achieving a peaceful settlement of the question of Palestine and the Arab-Israeli conflict as a whole.

Report by the Chairman on the United Nations International Conference of Civil Society in Support of the Palestinian People, 7 and 8 September 2006, United Nations Office at Geneva

20. **The Chairman** said that the United Nations International Conference of Civil Society in Support of the Palestinian People had been preceded, on 6 September 2006, by consultations with the Steering Committee of the International Coordinating Network on Palestine. The Conference had continued the work of previous conferences and had provided civil society organizations from all regions of the world an opportunity to discuss the situation on the ground, promote their current programmes, develop proposals in support of the Palestinian people and coordinate their activities. The overall theme of the Conference had been "Realizing the inalienable rights of the Palestinian people"; more specific themes had been covered in detail during panel discussions and workshops. The Conference had been attended by representatives of 58 civil society organizations, 45 Governments, two observers, including Palestine, five intergovernmental organizations and 12 United Nations system entities. Presentations had been made by 25 experts, including Palestinians and Israelis, who were active in civil society and hailed from all parts of the world.

21. The Conference had adopted a Plan of Action in which civil society organizations committed themselves to ending the Israeli occupation of the Palestinian territory and achieving the still unrealized rights of the Palestinian people including the rights of self-determination and return; called on the United Nations and its Member States to provide international protection for the Palestinian people living under occupation and to bring to justice those guilty of war crimes against them; and undertook to work with Palestinian civil society to mark the fortieth anniversary of the occupation of the West Bank, Gaza Strip and East Jerusalem with protest activities in all parts of the world.

22. The Committee had been represented at the Conference by a delegation made up of Mr. Farhâdi, Vice-Chairman of the Committee; Mr. Camilleri, Rapporteur; Mr. Mansour, Observer for Palestine; and himself. The Committee delegation had visited the Swiss Foreign Ministry in Bern and had held an exchange of views on the need to uphold international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and the responsibilities of the High Contracting Parties to the Fourth Geneva Convention and of Switzerland, the depository of the Convention, in that regard. The delegation had also met with Mr. Balthasar Staehelin, Delegate General for the Middle East and Africa of the International Committee of the Red Cross (ICRC) and Mr. Markku Niskala, Secretary-General of the International Federation of Red Cross and Red Crescent Societies (IFRC) and exchanged views on the serious consequences that were threatening the international community as a result of Israel's continued violation of international law, the need to resume the Conference of High Contracting Parties to the Fourth Geneva Convention, and the need to implement all aspects of the protocol signed between Magen David Adom and the Palestine Red Crescent Society.

23. The report of the Conference would soon be available online and would be issued as a publication of the Division for Palestinian Rights. He took it that the Committee wished to take note of the report.

24. *It was so decided.*

Consideration of the draft report of the Committee to the General Assembly (A/AC.183/2006/CRP.2)

25. **Mr. Camilleri** (Malta), Rapporteur, introducing the draft report of the Committee, said that the draft report outlined the Committee's objectives and general perspective on the events of the past year, reviewed the situation on the ground and relevant political developments, and summarized the action taken by the Committee and the implementation of its programme of work. The last chapter of the draft report contained the conclusions and recommendations of the Committee.

26. *The draft report was adopted.*

The meeting rose at 11.55 a.m.